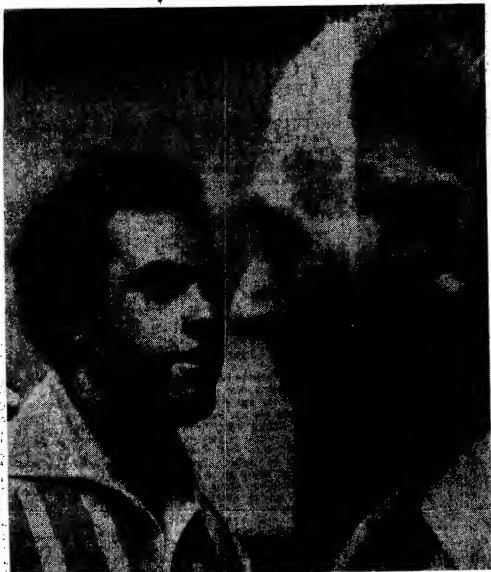


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Associated Press

Black Panther Party co-founder Huey Newton arrives at Oakland court with his attorney, Charles Garry, right, for setting of a date for Newton's third trial.

White Housewife Was Holdout For Acquitting Huey Newton

By Min S. Yee

Special to The Washington Post

OAKLAND, Aug. 10—The holdout for acquittal on the second Huey Newton jury was not the lone black juror but a white housewife from suburban San Lorenzo, other jurors disclosed today.

Juanita Henderson "stuck to her guns and refused to budge," a juror said.

Mrs. Henderson refused to comment, or to confirm, the disclosure.

In Alameda County Superior Court, meanwhile, Judge William J. Hayes set Oct. 12 for a third trial of Newton, the Black Panther Party co-founder accused of killing a white Oakland policeman.

Newton's lawyer, Charles R. Garry, asked in vain for a continuance, saying, "I will not be there. . . I have other commitments."

In talking with reporters,

Garry once again declared his client's innocence in the shooting death of patrolman John Frey in Oakland's west ghetto on Oct. 28, 1967.

In the first trial Newton was found guilty of voluntary manslaughter and sentenced to 2 to 15 years. That verdict was overturned by the California Court of Appeals last year and Newton was freed on \$50,000 bail after serving 22 months.

A second trial was con-

cluded Sunday when a jury of 10 women and 2 men declared it was hopelessly deadlocked after six days—11 jurors for conviction of the charge of involuntary manslaughter, one for acquittal.

Jurors reached today emphatically denied local press speculation that the holdout was the lone black juror. "The lone holdout was white—and stubborn," one juror said.

A juror who asked not to be identified said Mrs. Henderson was persuaded by the "theory of unconsciousness"—that Newton had blacked out when shot in the abdomen by officer Frey and cannot remember what occurred after that.

Unconsciousness is a complete defense under California law and a jury can find a defendant not guilty if it believes the crime was committed while he was mentally blacked out.